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National Association of Regulatory Utility Commissioners

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

December 23, 2002

Ms. Marlene Dortch  
Secretary

Federal Communications Commission  
445 12th Street S.W.  
Washington, D.C. 20554

**RE: Notice of Written and Oral Ex Parte Comments - Two Originals filed in the proceedings captioned**

***In the Matter of Numbering Resource Optimization, Notice of Proposed Rulemaking, CC Docket No. 99-200; CC Docket No. 96-98; CC Docket No 96-116; FCC 02-73 (Rel. March 14, 2002).***

***In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunications Capability; CC Docket Nos. 02-33 and CC 01-337, In the Matter of Appropriate Framework for Broadband Access to the Internet over Wireline Facilities; In the Matter of Review of Regulatory Requirements for Incumbent LEC Broadband Telecommunications Services CC Docket Nos. 01-338, 96-98 and 98-147,***

Dear Secretary Dortch,

On December 20, 2002, I spoke with Lisa Zaina from the Office of Commissioner Adelstein about NARUC's position in the above captioned docket. The National Association of Regulatory Utility Commissioners continues to urge the FCC to act quickly in the above captioned proceeding to affirm its earlier December 2001 finding that ALL carriers in the top 100 MSA meet the current pooling and porting deadlines, regardless of whether they have received a specific request ("BFR") from another carrier to provide LNP. I also spoke briefly with Ms. Zaina about the pending SBC petition for forbearance from dominant treatment of their DSL subsidiary. During the previous week, I also spoke by phone with Jordan Goldstein and Dan Gonzales concerning NARUC's positions in this docket.

The National Association of Regulatory Utility Commissioners has been very vocal in pressing for an end to industry requested deadline extensions. We also strongly pressed for elimination of the requirement for a "BFR" for all carriers operating in the top 100 MSAs.

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We anticipated, based on, *inter alia*, the text of the March ***Further Notice of Proposed Rulemaking*** ("FNPRM"), that the FCC would create a record and vote quickly on the issues presented. The FNPRM reiterated the FCC's findings (and NARUC's arguments supporting the original FCC findings) that "number portability contributes to the development of competition among alternative providers by . . . {1} allowing customers to respond to price and service changes without changing their telephone numbers, {2} enabl(ing) carriers to alleviate number shortages by implementing code sharing and other mechanisms to transfer unused numbers among carriers that need numbering resources." The FNPM also said: "These benefits weigh in favor of a requirement that all local exchange carriers and covered CMRS carriers in the top 100 MSAs be LNP-capable, regardless of whether they receive a request from a competing carrier. Similarly, these benefits indicate that carriers entering markets in the largest 100 MSAs should be required to be LNP-capable upon entry." We agree and urge the FCC to act quickly to confirm its December 2001 findings. As always, if you have any questions about this filing, please do not hesitate to contact me at 202.898.2207 or jramsay@naruc.org.

Sincerely,



**James Bradford Ramsay**  
**NARUC General Counsel**

cc: Lisa Zaina  
Jordan Goldstein  
Dan Gonzalez  
Sam Feder  
Matt Brill  
Christopher Libertelli